

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

In the Matter of the:

Petition of the Wisconsin Department of Transportation for the Alteration of a Public Crossing of Kohlman Road, the Establishment of a Public Crossing of Hickory Street, and the Determination of the Adequacy of Warning Devices at the Public Crossings of Rolling Meadows Drive and Pioneer Road with the Wisconsin Central Ltd. and Fox Valley & Western Ltd. Tracks in the City of Fond du Lac, Fond du Lac County

9005-RX-85

SECOND SUPPLEMENTAL ORDER

On November 4, 2002, the Office of the Commissioner of Railroads (OCR) issued an order that required, among other things, the alteration of the Kohlman Road crossing. The project also involved construction of a new railroad bridge over USH 41. That bridge did not require OCR approval. Subsequent to the hearing, the Wisconsin Central Ltd. acquired the Fox Valley & Western Ltd. and was subsequently acquired by the Canadian National. However, in Wisconsin, the railroad still operates as the Wisconsin Central Ltd.

On March 28, 2005, the DOT requested certain changes in the order:

Wisconsin DOT and Canadian National have had extensive discussions and plan iterations since the order in this matter was issued on November 4, 2002. The project concept is now to provide one main track bridge over USH 41 and across Kohlman Road. Instead of two main tracks across Kohlman Road [at-grade], the plan is to have one main and one side track cross Kohlman Road [at-grade]. The attached plan shows the proposed track configuration, the main track will be located 24' west of the present main track and will cross USH 41 on a permanent off-set alignment. The present main track and side track shown ... on the easterly side of Kohlman Road are to be removed. It is requested that the findings of fact and the order be amended as necessary to incorporate the proposed track configuration.

The Commissioner finds these changes to be reasonable.

THEREFORE, IT IS ORDERED,

1. That the **Wisconsin Central Ltd.** shall alter and maintain a crossing at-grade of **Kohlman Road** with its tracks in accordance with the design plans of the Wisconsin Department of Transportation in the City of Fond du Lac, Fond du Lac County by a date agreed to between the Department and the railroad. (Crossing No. 690 097B)

2. That the **Wisconsin Central Ltd.** shall relocate the existing signals and add constant warning time circuitry for the new main track crossing with appropriate appurtenances in accordance with such plans as are filed with and approved by the Office of the Commissioner of Railroads at the crossing of its tracks with **Kohlman Road** at-grade in the City of Fond du Lac, Fond du Lac County by a date agreed to between the Department and the railroad. (Crossing No. 690 097B).

3. That jurisdiction is retained.

Dated at Madison, Wisconsin, _____ (June 15, 2005)_____.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads

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